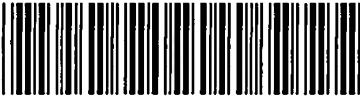


Application Number 	Application/Control No. 10/725,577	Applicant(s)/Patent under Reexamination SUZUKI ET AL.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : July 5, 2007	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Manabu SUZUKI, et al.

Serial No. 10/725,577

Group Art Unit: 2613

Confirmation No. 3453

Filed: December 3, 2003

Examiner: David S. Kim

For: GAIN SETTING METHOD IN WAVELENGTH DIVISION MULTIPLEX
TRANSMISSION EQUIPMENT

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. 1.321(C))**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

**INTEREST AND TITLE OF PERSON MAKING THIS
TERMINAL DISCLAIMER**

I, H. J. Staas, represent that I am the attorney of record for this application and am authorized to sign on behalf of the Assignee.

IDENTITY OF ASSIGNEE

The Assignee is Fujitsu Limited, a corporation organized and existing under the laws of Japan, and having its office and principal place of business at 1-1, Kamikodanaka, 4-chome, Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588, Japan.

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified below.

RECORD OF ASSIGNMENT IN PTO

The assignment of the above-referenced application was recorded on December 3, 2003 at Reel 014756, Frame 0422.

COMMON OWNERSHIP OF U.S. PATENT NO. 7,002,734

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified above. Assignee further confirms that it remains the owner of U.S. Patent No. 7,002,734, consistent with the indication of the Assignee on the face thereof.

CERTIFICATION OF TITLE

The evidentiary documents have been reviewed and the undersigned certifies that, to the best of said Assignee's knowledge and belief, title of the above-identified application and U.S. Patent No. 7,002,734 is in the said Assignee.

TERMINAL DISCLAIMER

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,002,734, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent No. 7,002,734, the agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the Patent No. 7,002,734 as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FEE

☒ The requisite disclaimer fee under 37 C.F.R. § 1.20(d) of \$130.00 is enclosed herewith.

STAAS & HALSEY LLP

Dated: July 5, 2007

By: H. J. Staas

H. J. Staas
Registration No. 22,010

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<input type="text" value="10-Jul-07"/>	APPL. S. N:	<input type="text" value="10725577"/>
To Examiner:	<input type="text" value="KIM, DAVID"/>	Art Unit	<input type="text" value="2613"/>
From	<input type="text" value="Logan, Rugenia"/> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<input type="text" value="JEF-2D68"/>

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this Informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____